

REMARKS

With this present amendment, claims 1-9 and 11-18 are pending. In the Office Action mailed January 13, 2005, claims 1, 2, 8, 9, 11 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Webb, et al. (U.S. Patent No. 4,676,241). Claims 3-7, 12-16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Webb, et al. in view of Palmer (U.S. Patent No. 6,494,203). Claims 1, 2, 8, 9, 11 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Webb, et al. in view of Lorenzen, et al. (U.S. Patent No. 5,730,123). Claims 3-7, 12-16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Webb, et al. in view of Lorenzen, et al. and further in view of Palmer.

Claims 1 and 9 have been amended to include at least one of the limitations originally set forth in claims 4 and 13, respectively. Therefore, Applicants respectfully submit the amendments to claims 1 and 9 do not raise issues of new matter and do not require further consideration or search by the Examiner. Further, Applicants respectfully submit that these amendments place independent claims 1 and 9 in condition for allowance or in better condition for appeal, as discussed in greater detail below.

Applicants respectfully submit that claims 1 and 9 are not anticipated by Webb, et al. Webb, et al. does not disclose a connector for a respiratory assembly that has a body that includes couplings having detachable sleeves on the first and second ends, respectively as called for in claim 1. In particular, Webb, et al. does not disclose a passage extending through the couplings of the first and second ends so that the passage changes direction at a single constant angle of approximately 120° through the entire body including the sleeves of the respective couplings. Similarly, Webb, et al.

does not disclose a connector for a respiratory assembly as called for in claim 9. In particular, Webb, et al. does not disclose that the connector has a first section having a first axis with a first sleeve engageable with the first section and aligned with the first axis and a second section having a second axis with a second sleeve engageable with said second section and aligned with said second axis.

Webb, et al. discloses a resilient plastic swivel connector 15 that has a first sleeve piece 19 engaged with a central member 31. A second sleeve piece 45 is engaged with the central member 31 on an opposite end from the first sleeve piece 19. Both the central member 31 and the first sleeve piece 19 are angled (see Webb, et al. at col. 2, ll. 49-55; col. 3, ll. 1-7). The first sleeve piece 19 has two axes alone (see Webb, et al. at col. 2, ll. 49-55). Since both the central member and at least one of the sleeves are separately angled, the central member and the sleeves cannot form a single constant angle of approximately 120° as called for in claim 1. Further, at least one of the sleeve pieces includes two axes which would prevent such sleeve from aligning along the same axis as the portion of the central member to which it is connected as called for in claim 9. Therefore, claim 1 and 9 are not anticipated by Webb, et al.

Likewise, Applicants respectfully submit that claims 1 and 9 are not rendered obvious by Webb, et al. in view of Lorenzen, et al. The combination of the references in the manner suggested by the examiner would render Webb, et al. inoperable for its intended purpose. As MPEP §2143.01 states, "If [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." As stated above, Webb, et al. discloses a swivel connector 15 having an angled central member

31, and angled first sleeve piece 19, and a second sleeve piece 45. This configuration of the angled sleeve piece and central member in Webb, et al. is for the intended purpose of allowing rotational and translational movement of the supply tube relative to the insert tube. Combining the single angle of Lorenzen, et al. with the configuration of the angled central member, the angled first sleeve piece, and the second sleeve piece destroys the intended purpose of Webb, et al. The connector of Webb, et al. would not be able to obtain the intended translational movement, which is at the heart of the invention of Webb, et al. Since the suggested combinations would render the primary reference inoperable for its intended purpose, the rejection of claims 1 and 9 is unsupported by the art and should be withdrawn.

Applicants also respectfully submit that claim 18 is not rendered obvious by Webb, et al. in view of Palmer or by Webb, et al. in view of Lorenzen, et al. and further in view of Palmer. Claim 18 calls for a connector for a respiratory assembly having a body, first and second bell housing, and first and second sleeves. A passageway of the body extends through the first and second sleeves such that the passageway changes direction at a single constant angle of about 120° through the entire first sleeve, the entire second sleeve, and the entire said body. Again, the combination of the references in the manner suggested by the examiner would render Webb, et al. inoperable for its intended purpose.

As stated above, the primary reference, Webb, et al., discloses a swivel connector 15 having an angled central member 31, and angled first sleeve piece and a second sleeve piece. This configuration of the angled sleeve piece and central member in Webb, et al. is for the intended purpose of allowing rotational and translational movement of the supply tube relative to the insert tube. Replacing the angled first

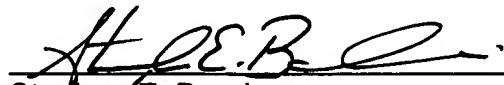
sleeve piece of Webb, et al. with a straight sleeve of Palmer would also destroy the intended purpose set forth in Webb, et al. As pointed out above, the inclusion of Lorenzen, et al. with its constant angle would only further frustrate the intended purpose of Webb, et al. Since the suggested combinations would render the primary reference inoperable for its intended purpose, the rejection of claim 18 is unsupported by the art and should be withdrawn.

For the reasons set forth above, independent claims 1, 9 and 18 are allowable. Since claims 2-8 depend from claim 1 and claims 11-17 depend from claim 9, claims 2-8 and 11-17 are allowable. Applicants respectfully submit that the application is in condition for allowance and favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience to resolve any remaining issues.

Respectfully submitted,

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